

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

HOLLIE K. WIGGINS and LARRY F.
WIGGINS, JR.,

Plaintiffs,

v.

BELK, INC.,

Defendant.

Civil Action File No.: CV411-88

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COME NOW Defendant Belk, Inc. and moves this Court pursuant to F.R.C.P. 56 for summary judgment against Plaintiffs Hollie K. Wiggins and Larry F. Wiggins, Jr. on their Complaint for Damages. Summary Judgment is appropriate, because no genuine issue of material fact exists, and Defendant is entitled to Judgment as a matter of law.

In support of its Motion, Belk, Inc. relies upon the Deposition testimony of Hollie K. Wiggins; Deposition testimony of Sanford W. Foskey; the Statement of Undisputed Material Facts; the Brief in Support of its Motion for Summary Judgment; all pleadings of record; all documents of record; all matters of record; and all evidence properly before the Court.

WHEREFORE, Defendant Belk, Inc. respectfully requests that this Court grant its Motion and enter Summary Judgment in its favor and against Plaintiffs.

This 21st day of September, 2011.

Respectfully submitted,

OLIVER MANER, LLP

/s/ Benjamin M. Perkins

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CERTIFICATE OF SERVICE

I certify that I have electronically filed this: *Defendant's Motion for Summary Judgment* with the Clerk of Court using the CM/ECF (Pacer) system which will automatically send email notification of such filing to the following attorneys of record:

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This 21st day of September, 2011.

Respectfully submitted,

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